

**Pt. 1, App. B**

(3) Contains a brief statement of the facts on which the proposed action will be based.

Except as provided in paragraph (c), this written notice must be sent by first-class U.S. mail or personally delivered to the Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 not less than 5 business days prior to instituting the proceeding in State court.

(c) Where it is impracticable to provide the Commission with written notice within the time period specified in paragraph (b) of this section, the authorized state official must inform the Secretary of the Commission by telephone as soon as practicable to institute a proceeding in state court and must send the written notice required in paragraph (b)(1) through (b)(3) of this section by facsimile or other similarly expeditious means of written communication to the Secretary of the Commission, prior to instituting the proceeding in state court.

(d) Immediately upon instituting any proceeding in a State court pursuant to the provisions of section 6d(8) of the Act for alleged violation of any anti-fraud provisions of the Act or any anti-fraud rule, regulation or order thereunder, the authorized State official instituting the proceeding shall submit to the Commission a copy of the complaint filed in the proceeding. The copy of the complaint must be sent by first class U.S. mail or personally delivered to the Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

[48 FR 49503, Oct. 26, 1983, as amended at 60 FR 49334, Sept. 25, 1995]

**APPENDIX A TO PART 1 [RESERVED]**

**APPENDIX B TO PART 1—FEES FOR CONTRACT MARKET RULE ENFORCEMENT REVIEWS AND FINANCIAL REVIEWS**

(a) Within 60 days of the effective date of a final fee schedule for each fiscal year, each board of trade which has been designated as a contract market for at least one actively trading contract shall submit a check or money order, made payable to the Commodity Futures Trading Commission, to cover the Commission's actual costs in con-

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ducting contract market rule enforcement reviews and financial reviews.

(b) The Commission determines fees charged to exchanges based upon a formula which considers both actual costs and trading volume.

(c) Checks should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

[50 FR 930, Jan. 8, 1985, as amended at 52 FR 46072, Dec. 4, 1987; 58 FR 42645, Aug. 11, 1993; 60 FR 49334, Sept. 25, 1995]

**PART 2—OFFICIAL SEAL**

Sec.

2.1 Description.

2.2 Authority to affix seal.

2.3 Prohibitions against misuse of seal.

**AUTHORITY:** 7 U.S.C. 4a(j), unless otherwise noted.

**SOURCE:** 41 FR 9552, Mar. 5, 1976, unless otherwise noted.

**§ 2.1 Description.**

Pursuant to section 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i), the Commodity Futures Trading Commission has adopted an official seal (the "Seal"), the description of which is as follows:

(a) An American bald eagle in black and white holding the scales of balanced interests over a black and white wheel of commerce and a farmer's plow, also in black and white. These symbols are enclosed with an inner red octagon and a blue outer octagon representing traditional futures contract trading pits. Around the outside of the octagons are the words "Commodity Futures Trading Commission" separated by two stars from the year "1975," the first year of the Commission's existence.

(b) The Seal of the Commodity Futures Trading Commission is illustrated as follows:



## § 2.2 Authority to affix seal.

(a) The following officials of the Commodity Futures Trading Commission are authorized to affix the Seal to appropriate documents and other materials of the Commission for all purposes including those authorized by 28 U.S.C. 1733(b) (relating to authenticated copies of agency documents used as evidence): The Chairman and all Commissioners, the General Counsel, the Executive Director, the Directors of Divisions, and the Secretariat.

(b) The officials named in paragraph (a) of this section, may redelegate, and authorize redelegation of this authority, except that the Secretary may redelegate this authority only to the Deputy Secretary.

[41 FR 9552, Mar. 5, 1976, as amended at 51 FR 37177, Oct. 20, 1986]

## § 2.3 Prohibitions against misuse of seal.

(a) Fraudulently or wrongfully affixing or impressing the Seal to or upon any certificate, instrument, document or paper or with knowledge of its fraudulent character, or with wrongful or fraudulent intent, using, buying, procuring, selling or transferring to another any such paper is punishable under section 1017 of title 18, U.S. Code.

(b) Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using a fraudulent or altered Seal or possessing any such

Seal knowingly is punishable under section 506 of title 18, U.S. Code.

## PART 3—REGISTRATION

### Subpart A—Registration

Sec.

- 3.1 Definitions.
- 3.2 Registration processing by the National Futures Association; notification and duration of registration.
- 3.3 [Reserved]
- 3.4 Registration in one capacity not included in registration in any other capacity.
- 3.5–3.9 [Reserved]
- 3.10 Registration of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators and leverage transaction merchants.
- 3.11 Registration of floor brokers and floor traders.
- 3.12 Registration of associated persons of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators and leverage transaction merchants.
- 3.13 Registration of agricultural trade option merchants and their associated persons.
- 3.14–3.20 [Reserved]
- 3.21 Exemption from fingerprinting requirement in certain cases.
- 3.22 Supplemental filings.
- 3.23–3.29 [Reserved]
- 3.30 Current address for purpose of delivery of communications from the Commission or the National Futures Association.
- 3.31 Deficiencies, inaccuracies, and changes, to be reported.
- 3.33 Withdrawal from registration.

### Subpart B—Temporary Licenses

- 3.40 Temporary licensing of applicants for associated person, floor broker or floor trader registration.
- 3.42 Termination.
- 3.43 Relationship to registration.
- 3.44 Temporary licensing of applicants for guaranteed introducing broker registration.
- 3.45 Restrictions upon activities.
- 3.46 Termination.
- 3.47 Relationship to registration.

### Subpart C—Denial, Suspension or Revocation of Registration

- 3.50 Service.
- 3.51 Withdrawal of application for registration.
- 3.52–3.54 [Reserved]
- 3.55 Suspension and revocation of registration pursuant to section 8a(2) of the Act.